

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BALLARD MARINE CONSTRUCTION,  
LLC,

Plaintiff,

v.

JAVELER MARINE SERVICES, LLC,

Defendant.

CASE NO. C21-5140-JCC

ORDER

This matter comes before the Court on Defendant’s motion to extend the discovery cutoff (Dkt. No. 21). Having thoroughly considered the parties’ briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

In 2019, Plaintiff entered into a contract with Florida Power & Light Company (“FPL”) to serve as a general contractor for a dredging project. (Dkt. No. 1-2 at 2.) Plaintiff and Defendant entered a subcontract for Defendant to perform various work related to the project. (*Id.*) After the project was completed, Plaintiff filed suit against Defendant, alleging its work on the project was defective. (*See generally id.*) The discovery cutoff for this case was set for April 28, 2023. (Dkt. No. 16.)

Plaintiff now asks the Court to extend the cutoff to June 29, 2023. (Dkt. No. 21.) Under LCR 16(b)(6), the parties are bound by the dates in the scheduling order, which may only be

1 modified for good cause and with the Court's consent. The parties disagree whether they  
2 previously agreed to an extension of the discovery cutoff and whether Defendant was diligent in  
3 obtaining discovery during the discovery period. (*See generally* Dkt. Nos. 21, 22, 23.)

4 It is clear from the record that the parties at least considered an extension of the discovery  
5 cutoff. (Dkt. No. 21-3 at 14, 21, 32.) Moreover, both parties still require additional discovery.  
6 (Dkt. No. 21 at 5–6; Dkt. No. 22 at 3 n.3.) Rather than consider the inevitable requests from both  
7 parties to allow discovery after the cutoff, the Court finds good cause to extend the deadline. And  
8 neither party will be prejudiced by such an extension. The parties are strongly encouraged to  
9 engage in good faith in discovery discussions moving forward to avoid further intervention by  
10 the Court.

11 For the foregoing reasons, Defendant's motion (Dkt. No. 21) is GRANTED. The  
12 discovery cutoff is EXTENDED to June 29, 2023.

13 DATED this 15th day of May 2023.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE